Sectt. 11-27—10

Dev (1951) Department

Passed

Ms SERIES.

G.O. NO. 1966.

Dated 30-4-51

[Despatch Abstract.]

Estt. Industries - Sericulture - G.S.F.

Kollegal - Over payments - Recovery

waiver - Directors proposals - Approved

INDUSTRIES AND COMMERCE DEPARTMENT.

From

Sri M.T.Raju, Bar-at-law, I.C.S.,
Director of Industries & Commerce,
"Mackays' Gardens",
Mount Road, Cathedral P.O., Madras 6.

To Jn35698/D1/50 23.4.50

The Secretary to
Government,
Development
Department, Madras.

No. 178--E.1/49 dated 18 --4--1950.

Sir,

Sub: Establishment - Government Silk Filature, Kollegal - Overpayments - Write off - Requested.

In G.Os. No.Ms. 455 Development dated 26th October, 1942, and No.Ms.456 Development dated 26th October '42 Government sanctioned a separate staff for each of the filatures under the management of this department at kollegal, Viz., the Government Silk Filatures and the Kollegal Silk Filatures and declared the posts in both the filatures to be outside the scope of the service rules. The two filatures were amalgamated in 1946 and a consolidated staff was sanctioned for the amalagamated concern in G.O.No. 2310 Development dated 14--6--1946. This G.O.was however silent as to whether the staff of the ~~maka~~ amalgamated concern should be governed by the statutory rules or should remain outside the scope of service rules, but however soon the Government took up the question of issuing adhoc rules for the posts in the amalgamated concern called for proposals in this regard in their memo No. 43193-D1/46-1 dated 27-6-1946 protracted correspondence for over two years adhoc rules were finally issued in G.O.Ms.No. 5919 Development dated 1--12--1948 while communicating the adhoc rules in respect of filature staff, the Sericultural Expert was instructed to pay only the minimum of the ~~time~~ scale to the incumbent of each post pending regularisation of his appointment with reference to the adhoc rules.

2 In the ~~meanwhile~~ meantime however, for purposes of fixing the pay according to the revised scales sanctioned in G.O., No. 78 Finance dated 6--2--1947 the General Manager of the Government Silk Filature took into account the service rendered in the posts while they remained outside the scope of the service rules, as also the service rendered under the emergency provisions from 14-6-1946 the date of the G.O.No. 2310 amalgamating both the Filatures till 1--1--1947 the date from which G.O.No. 78 Finance dated 6--2--47 is to take effect and allowed increments on the basis of that service with the result.that some of the persons acting under the emergency provisions drew more than the minimum of their respective scales contrary to rule 9(b) of the General rules for the Provincial and Subordinate service rules. The amount thus paid over and above the minimum of the old scale from 14-6-1946 to 31-12-1946, and of the revised scale from 1-1-47 onwards is an overpayment except in the cases of persons, who are qualified and whose appointments can be regularised with reference to the adhoc rules. A statement showing the overpayments made in respect of persons who are not qualified for appointment according to the adhoc rules is submitted herewith. The overpayments worked out on the above basis amount to Rs.4044.14.0. The recovery of the overpayments made over a period of about three years would at this stage cause undue hardship to the staff. Further some of the persons, who drew the increments are no longer in service now and the recovery of the overpayments ~~and~~ is not possible in those cases. In the circumstances, I request that Government may be pleased to

order waiver of the overpayments made.

3 In the case of persons whose appointments have been regularised with reference to the adhoc rules prescribed in G.O.Ms.No. 5919 Development dated 31-12-1948. I request that Government may be pleased to order that the services rendered by them before 14--6--1946 while the post outside the scope of service rules may also be taken into account for fixation of their pay in the revised scales, introduced in G.O.No. 78 Finance dated 6--2--1947 in as much as their services have been continuous. Otherwise overpayments made to them by reason of fixation of their pays taking into account their service prior to 14-6-1946 also, will become necessary, and will consequently entail undue hardship to them.

for Director of Industries & Commerce,
Madras.

SDS/20.4.

STATEMENT NO. I.

Statement showing the amount of pay and dearness allowance paid in excess to the staff of the Government Silk Filatures, Kollegal, whose services have not been regularised.

Name of the individual.	amount paid in excess during 1946-47.	1947-48.	1948-49	1949.50.	Total.	Remarks.
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	
1. Mr.M.Samson, Driver.	29--14--0	-	-	-	29--14--0	Not in service.
2. Mr.P.K.Govindan Nair, Driver.	39---2--0	75--0--0	77--0--0	-	191---2--0	-do-
3. Sri A.R.Ranga Rao, Foreman.	61---7--0	72--0--0	66--0--0	-	199---7--0	
4. Sri R.Nagasundaram, Foreman.	67--14--0	108--0--0	99--0--0	-	274--14--0	
5. Sri T.V.Thangavelu, Boiler Foreman.	64--13--0	79--4--0	..	-	144---1--0	Transferred.
6. Sri S.Gnanaratnam, Storekeeper.	6---0--0	-	..	-	6---0--0	Not in service.
7. Sri K.V.Seshayya Naidu, Time-keeper.	40--11--0	57-14--0	56--12-0	-	155---5--0	
8. Sri Gurushanthappa, Carpenter.	6---1--0	-	..	-	6---1--0	Not in service.
9. Sri S.Albert, Carpenter.	3---2--0	-	..	-	3---2--0	-do-
10. Sri M.G.Aswathanarayanan, Assistant Foreman.	35--15--0	28-15--0	33--0--0	-	97--14--0	
111. Sri Puttu Mada, Assistant Foreman.	21---2--0	12-12--0	..	-	33--14--0	
12. Sri Savaka, Assistant Foreman.	21---2--0	12--11-0	..	-	33--13--0	Not in service.
13. Sri L.R.David, Assistant Foreman.	21--2--0	24--0--0	17--9--0	-	62--11--0	-do-
14. Sri Sidda Packer.	17--10--0	12--10--0	..	-	30---4--0	-do-
15. Sri V.A.Kannan, Assistant Manager.	21--15--0	..	..	-	21--15--0	-do-
16. Sri Linga, Stoker.	18---2--0	12--0---0	11-0--0	-	41---2--0	-do-
17. Sri Chinnappa, Stocker.	17--12--0	12---0--0	11--0--0	-	40--12--0	-do-
18. Sri T.Dharmaraya Mudaliar, Manager Accountant.	18---7--0	..	..	-	18---7--0	Working in the Director's office.
19. Sri A.Appaswamy, Foreman.	70--13--0	106--4---0	99--0--0	-	276---1--0	Transferred to Seri.Section.
20. Sri N.Muthuswamy, Boiler Foreman.	64--13--0	114--0---0	121--0--0	-	299--13--0	
21. Sri Lingachari, Mechanic.	46--13--0	35--5----0	24---0---0	-	106---2--0	Not in service.
22. Mr.C.M Samuel, Carpenter.	8---9--0	..	..	-	8---9--0	-do-
23. Mr.Mohamad Akbar, Driver.	9--13--0	48---0---0	48---0--0	14-13-0	120--10--0	-do-
24. Mr.Kanakaraj, Driver.	39-- 2--0	50---9---0	..	-	89--11--0	-do-
25. Mr.Puttachari, Carpenter.	11---3--0	..	..	-	11---3--0	-do-

26.

1	2	3	4	5	6	7
26. Mr.R.M.Daniel, Mechanic.	61--12--0	95--10--0	99---0--0	-	256--6--0	N[illegible]er-
27. Sri S.K.Seshadri, Upper Division Clerk.	27--12--0	..	..	-	27-12--0	-do-
28. Sri N.R.Dasaratharaman, Cocoon Store Keeper.	61--13--0	72--0---0	66---0--0	-	199-13--0	do-
29. Mr.M.Mohammad Beig, Assistant Foreman.	21---2--0	23-10---0	17--10--0	-	62--5--0	do-
30. Mr.M.Ramakrishnan, -do-	21---2--0	23-10---0	10---0--0	-	54--12-0	do-
31. Mr.M.Nagappa, Assistant Foreman.	19---0--0	23--10--0	20---0--0	-	62--10-0	do-
32. Mr.N.Madiah, Stoker.	18---2--0	12---0--0	11---0--0	-	41---2-0	
33. Mr.H.S.Dakshinamurthy, Store-keeper.	22---7--0	..	..	-	22---7-0	
34. Mr.N.C.S.Sampathkumaran, Lower Division Clerk.	3---1--0	..	..	.	3---1--0	-do-
35. Sri A.R.Nagarajan, Lower Division Clerk.	15---0--0	..	..	-	15---0--0	-do-
36. Sri V.Ranganathan, Attender.	0--13--0	..	..	-	0--13--0	-do-
37. Sri R.H.Sankaranarayanan, Cashier Accountant.	15---0--0	..	..	-	15---0--0	Working in Govt.School of Arts and Crafts.
38. Sri H.K.Srikantiah, Lower Division Clerk.	3---7--0	..	..	-	3---7--0	Not in service
39. Mr.John Ex Wesley.	49--13--0	37--6--0	..	-	87---3--0	-do-
40. Mr.V.Rajanandam, Assistant Foreman.	13---4--0	..	..	-	13---4--0	-do-
41. Mr.H.Lingiah, Assistant Foreman.	11---5--0	..	..	-	11---5--0	-do-
42. Mr.P.N.Nambiar, Line Inspector.	26---7--0	..	..	-	26---7--0	Transferred to Polytechnic, +Calicut.
43. Mr.T.R.Krishnaswamy, Helper.	11---5--0	12--0--0	10--11-0	-	34---0--0	Not in service
44. Mr.Mirza Ali Askar, Upper Division Clerk.	9---0--0	17--3--0	..	-	26---3--0	-do-
45. Sri N.Venugopal Rao, Lower Division Clerk.	9---0--0	36--0--0	33--0--0	-	78---0--0	
46. M.Linga, Peon.	1---8--0	3--8--0	..	-	5---0--0	-do-
47. Basava, Peon.	1---8--0	3--4--0	..	-	4--12--0	-do-
48. Maligai, Peon.	1---8--0	3--2--0	..	-	4--10--0	-do-
49. R.Krishnan, Peon.	1---8--0	3--1--0	..	-	4---9--0	-do-
50. Sri Karunakara Rao, Filature, Assistant.	15---0--0	62--3--0	34---1--0	-	11---4--0	-do-
51. Mr.Moinuddin Shah Quadri, Sub Officer.	9---0--0	28--0--0	..	-	37---0--0	-do-
52. Mr.S.Paulraj, Time-keeper.	11---5--0	25--7--0	..	.	36--12--0	
53. Mr.Saiduddin Ahmed, Silk Storekeeper.	9---0--0	36--0--0	33---0--0	-	78---0--0	
54. Sri C.N.Srinivasa Rao, Compounder.	3---0--0	12--0--0	11---0--0	-	26---0--0	
55. Mr.N.V.Chinnarangaswamy, Time-keeper.	1---6--0	..	..	-	1---6--0	Not in servic
56. Mr.A.Paramasivam Pillai, Assistant Foreman.	2---4--0	12--0--0	4---8--0		18--12--0	Deceased.
57. A.K.Daisiamma, Assistant Foreman.	3---0--0	6--6--0	..		9---6--0	Now working daily worker.
58. Mr.S.Krishnamurthy, Assistant Foreman.	3---0--0	12--0--0	8--13--0		23--13--0	Not in servic

1	2	3	4	5	6	7
59. Mr.C.Rangaswamy, Assistant Foreman.	3---0--0	12---0--0	11--0--0	-	26--0--0	Not in service.
60. Mr.G.Krishnan, Assistant Foreman.	3---0--0	12---0--0	5--0--0	-	20--0--0	-do-
61. Mrs.Manny, Assistant Foreman.	3---0--0	12---0--0	11--0--0	-	26--0--0	
62. Mr.R.Sitaraman, Assistant Foreman.	3---0--0	12---0--0	11--0--0	-	26--0--0	
63. Sri G.Chandrasekhariah, Denier Tester.	1---8--0	2---6--0	..	-	3--14--0	-do-
64. Chikkanna, Sentry.	1---8--0	6---0--0	4--5--0	-	11--13--0	
65. Ugani Mada, Sentry.	1---8--0	6---0--0	2--3--0	-	9--11--0	-do-
66. Devaputra, Sentry.	1---8--0	6---0--0	5--8--0	-	13---0--0	
67. Nanjan Madegowda, Sentry.	1---8--0	6---0--0	5--8--0	-	13---0--0	
68. Chennaveerayya, Sentry.	1---8--0	6---0--Ø	5--8--0	-	13---0--0	Not in service.
69. Syed Gaffar Cleaner.	9---0--0	36---0--0	9--0--0		54---0--0	Not in service.
70. Shadrack, Cleaner.	3---0--0	..	..	-	3---0--0	-do-
71. Edwin Prince, Driver.	0--14--0	..	..	-	0--14--0	-do-
72. M.N.Natarajan, Assistant Foreman.	..	0--11--0	..	-	0--11--0	-do-
73. H.Sanniah, Silk Tester.	3---0--0	6---6--0	..	-	9---6--0	-do-
74. Sri K.R.Rajappa, Upper Division Clerk.	4---6--0	..	..	-	4---6--0	-do-
75. Sri A.S.Kapani Chetty, Upper Division Clerk.	4---8--0	..	..	-	4---8--0	-do-
76. Sri D.V.Nagaraja Rao, Upper Division Clerk.	7--11--0	..	..	-	7--11--0	
77. Sri R.Sankaran, Lower Division Clerk.	0---5--0	..	..	-	0---5--0	
78. Sri T.A.Atma Rama Rao, Commercial Accountant.	14---6--0	41---7--0	26--9--0	10--8--0	92--14--0	
	1314--15--0	1586---2--0	118--8--0	25--5--0	4044--14--0	

SDS/20.4.

3/3/6

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O.M. No. 35698 M.I. Sr. I d 1.6.50. Dev. Dept.

Subject:- Establishment. G.S.F. Kollegal - Overpayments - Write off

Ref:- From the D.I.& C., dr. no. 178 E.1.49 dt. 28.4. d 18.4.50.

The D.I.& C. is requested to report whether any of the staff mentioned in the statt. enclosed with his letter cited were paid excess pay or allowances after 1.12.48 the date of issue of adhoc rules for the posts in the G.S.F. Kollegal and if so, to specify the excess amounts paid in each case and the officers responsible for such payments inspite of the definite instructions issued by him for the payment of the minimum of the scale to the staff not possessing the qualification prescribed for the posts.

To The D.I.& C.

R. 30 6/50.

8/31/50 6/50.

6/50

DEPARTMENT OF INDUSTRIES & COMMERCE
Mackeys Gardens, Madras 6.

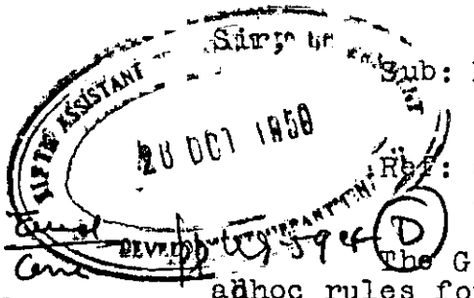
Dc 107167 ont 26.10.50 .9

From
Sri M.T.Raju, Bar-at-law, I.C.S.,
Director of Industries & Commerce,
Madras.

To
The Secretary to Government,
Development Department,
Madras.

x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x

No.178-E1/49 Dated 24th October 1950.



Sir,

Sub: Establishment - Government Silk Filatures, Kollegal Overpayments - Write off.

Ref: Government Memo.No.35698-MI/50-1 Development, dated 1st June 1950.

The G.O.Ms.No.5919 Development dated 1-12-48 issuing adhoc rules for the temporary posts in the Government Silk Filatures, Kollegal was received in this office on 7-1-49. The rule had to be examined in this office with reference to the orders previously issued from time to time; and after necessary examination, instructions were issued to the Sericultural Expert in this office endorsement No.178-E1-49 dated 14-2-49 that no member of the staff in the filature should be paid more than the minimum of the time scale of pay attached to the respective posts pending regularisation of the services of the incumbents with reference to the qualifications prescribed for the posts. The instructions were received in the Sericultural Expert's Office on 25-2-49 by which date, the pay of the staff for December 48 and January 49 had been disbursed at the old rates. The Sericultural Expert drew and disbursed the pay for February 49 also at the old rates inspite of the instructions issued from this office. ~~The~~ In the circumstances some of the members of the staff mentioned in the statement enclosed with this office letter No.178-E1-49 dated 18-4-50 were paid in excess of the minima of their scales after 1st December 1948, the date of the issue of the adhoc rules for the posts upto 28-2-1949. The excess so paid amounts to Rs.182-12-0 and is included in the total amount of Rs.4044-14-0 referred to in the statement sent with this office letter cited.

2. I submit herewith a statement showing full particulars for the sum of Rs.182-12-0 paid in excess for the period from 1-12-48 to 28-2-49. Some of the persons to whom these overpayments were made have either left service or have been discharged. Four of them (viz. items 8 to 11 of the statement) had left service before the receipt of the instructions issued in this office endorsement dated 14-2-49 and the amount of overpayment involved in those four cases was Rs.7-15-0. Out of the remaining amount of Rs.174-13-0 (i.e.182-12-0 minus 7-15-0) a sum of Rs.86-5-0 was paid to certain members who have left service after the receipt of the instructions and the balance of Rs.88-8-0 to certain others who are still continuing in service. The Sericultural Expert should have taken steps to recover the amount of Rs.174-13-0 from the members concerned before some of them left service but he failed to do so.

U. Venkatanandan
25.10.50

R.N.25.10.50. for Director of Industries & Commerce.

Statement showing the excess pay drawn and paid to staff of the Government Silk Filatures, Kollegal, after 1-12-1948 the date of issue of the Adhoc Rules.

S.No.	Name and designation	December 1948	January 1949	February 1949	Total	Remarks	Date of termination or discharge or resignation.
1.	Sri N.Venugopala Rao, Lower Dvn. Clerk.	3- 0- 0	3- 0- 0	3- 0- 0	9- 0- 0		
2.	A.Appaswamy, Foreman	9- 0- 0	9- 0- 0	9- 0- 0	27- 0- 0		
3.	N.R.Dasaratharaman, Coooon store-keeper	6- 0- 0	6- 0- 0	6- 0- 0	18- 0- 0		
4.	R.M.Daniel, Mechanic	6- 0- 0	6- 0- 0	6- 0- 0	18- 0- 0	Not in service	1-8-50
5.	C.N.Srinivasa Rao, Compounder	1- 0- 0	1- 0- 0	1- 0- 0	3- 0- 0		
6.	K.V.Seshayya Naidu, Timekeeper	6- 0- 0	6- 0- 0	6- 0- 0	18- 0- 0		
7.	M.G.Aswathanarayana, Asst.Foreman	3- 0- 0	3- 0- 0	3- 0- 0	9- 0- 0		
8.	L.R.Davdd, Asst. Foreman	1- 9- 0	..	..	1- 9- 0	Not in service	24-12-48
9.	S.Krishnamurthy, Asst. Foreman	0-13- 0	..	..	0-13- 0	-do-	24-12-48
10.	Janab Mohammad Beig Asst. Foreman	1- 9- 0	..	..	1- 9- 0	-do-	24-12-48
11.	Sri M.Nagapra, Asst. Foreman	2- 0- 0	2- 0- 0	..	4- 0- 0	-do-	1-2-49
12.	C. Rangaswamy, Asst. Foreman	1- 0- 6	1- 0- 0	1- 0- 0	3- 0- 0	-do-	14-3-49
13.	Mrs. Manny, Asst. Foreman	1- 0- 0	1- 0- 0	1- 0- 0	3- 0- 0		
14.	Sri Linga, Stoker	1- 0- 0	1- 0- 0	1- 0- 0	3- 0- 0	-do-	1-8-50
15.	N.Madiah, Stoker	1- 0- 0	1- 0- 0	1- 0- 0	3- 0- 0	-do-	1-8-50
16	Chinnappah, Stoker	1- 0- 0	1- 0- 0	1- 0- 0	3- 0- 0	-do-	2-12-49
17	Chikkanna, Sentry	0- 8- 0	0- 8- 0	0- 8- 0	1- 8- 0		
18	Devaputhra, Sentry	0- 8- 0	0- 8- 0	0- 8- 0	1- 8- 0	-do-	15-6-50
19	Nanjanmade gowda, Sentry	0- 8- 0	0- 8- 0	0- 8- 0	1- 8- 0	-do-	15-6-50
20.	Sri Chennaveeriah, Sentry	0- 8- 0	0- 8- 0	0- 8- 0	1- 8- 0	-do-	1-8-50
21.	P.K.Govindan Nair. Driver	6- 0- 0	6- 0- 0	6- 0- 0	18- 0- 0	-do-	4-9-49
22.	Janab Mohammad Akbar, Driver	4- 0- 0 plus 18-13-0	4- 0- 0 till	4- 0- 0 4-1-50.	30-13- 0	-do-	4-1-50
23.	Sri T.R.Krishnaswamy, Helper	1- 0- 0	1- 0- 0	1- 0- 0	3- 0- 0	-do-	11-3-49
		57-15- 0	54- 0- 0	52- 0- 0	182-12- 0		

(Rupees one hundred and eighty two and annas twelve only)

V. Venkatarayudu 25.10.50
For Director of Industries and Commerce

Developm. t Dep rtm n .

M.No. I.O. 35698 MI/50-b DATED 22.12.50 - - - - -

Sub: Establishments - Industries - ..S.I. .
Kollegal overpayments - write off

Ref: From the D. I & C. .c.188 M1/49 dated 24th October 1950.

The D. I & C. is informed that Rule 2(c) of the Revised scales of Pay Rules, 1947, issued with G.O. o.78 Finance dated 6-2-47, clearly excludes service under emergency provisions of rule 9 or rule 31 of Part II of the Madras State and Subordinate Services Rules and also service which has not been counted for increment in any scale of pay applicable to the post at the time of issue of the rules, and that consequently the action of the General Manager of the Government Silk Filatures, Kollegal in having fixed the pay in these cases taking into account service under emergency provisions was irregular. Further prior to the issue of G.O. o.78 Finance dated 6-2-1947, the staff could have drawn only the minimum of the scale of pay attached to their posts without any increment in respect of their past service in the posts and the General Manager should have known that the staff whose services were not then regularised and who continued under the emergency provisions could not become eligible for increments even under G.O. o.78 Finance dated 6-2-47 which specifically provides for the exclusion of emergency services. It follows that the overpayments resulted purely out of wrong fixation of pay for which the staff could not be held responsible. It may also be pointed out that if there was any doubt the General Manager should have obtained the orders of the Director of Industries and Commerce or of the Government. It has therefore been suggested that in respect of the overpayments to the

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the staff who are now in service the recovery of such overpayments in suitable instalments should be ordered by the D.I & C. and that in respect of the overpayments to those who are not now in service the recovery of atleast 50% if not the whole of the amount fror those officers responsible for the overpayments, including the General Manager of the Filatures, should be considered by the Director of Industries and Commerce.

2/ It is suggested that in the case of the staff whose services have since been regularised, their services prior to 14-6-46 in posts outside the scope of service rules should not be taken into account for fixation of pay as the ad hoc rules of the above services were specifically made applicable from 14-6-46 only.

3/ The D. I & C. is requested to offer his remarks urgently on the suggestions in paras 1&2 above.

Dy. 12.50

To the D. I & C.

Industries and commerce Department. pw 12998 MP 2.2.51

From
Sri M.T. Raju, Bar-at-Law, I.C.S.,
Director of Industries & Commerce,
M A D R A S. 6.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

-x-x-x

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3 In the foregoing circumstances, it would not be fair to hold the General Manager, responsible for the overpayments still less to recover any percentage of the overpayments from him.

4 With reference to paragraph 2 of the Government Memorandum cited above, I may submit here by way analogy, that Sri P.H.M.B. Sarma who had served as Superintendent, Radio Engineering Section on a contract basis first and was later on appointed to the post on probation was allowed to enjoy the benefit of the increment which had accrued to him in his contract appointments - vide G.O. Ms. No. 4136 Development dated 12th October, 1950. Since service in posts outside the scope of the service rules stands on the same footing as service on a contract basis, I submit that in the case of filature staff whose appointments have been regularised, their services in posts outside the scope of the servicerules should likewise be taken into account for the purpose of fixation of their pay.

p 14 (K)

In the foregoing circumstances, I request that Government may be pleased to waive the recovery of the overpayments as already recommended.

for Director of Industries and commerce.

S. R. Srinivasan

bvs/31-1

3111

Dev Deptt

89
30/4

C.No. 35698 MI/50.

Sub: Estt- Industries - Sericulture - Govt. Silk Filatures, Kollegal - over payments Recovery - waiver - Directors proposals Approved.

Read: G.O.Ms. 2310 Dev. d. 14.6.46.
G.O. 78 Finance d. 6.2.47
G.O.Ms. 5919 Dev. d. 1.12.48
From the Dte. 178 EI/49 d. 30.1.50

G.O. Ms. 1966 dated. 30.4.57

In G.O. No. 2310 Dev. dated 14.6.46 the Govt. Silk Filatures and the Kollegal Silk Filatures were amalgamated and a Consolidated staff which had been outside the scope of Service rules was sanctioned. In order that the posts of the amalgamated Filatures should be governed by the Statutory rules Govt. issued Ad hoc rules for the posts in G.O. Ms. 5919 Dev. d. 1.12.48 and the rules were given retrospective effect from 14.6.46, the date on which the posts were sanctioned. The Sericultural Expert was instructed on 14.2.49 by the Director, to pay the Staff minimum of their scale pending their regularisation. Meanwhile for purposes of fixing the pay of the Staff in accordance with the revised scale of pay introduced in G.O. Ms. 78 Fin. d. 6.2.47. increments had been allowed, by the General Manager of the Filatures, to the Staff for the period of Service rendered in the Filatures before and after amalgamation. As members of Staff whose appointments could not be regularised, could be considered only as acting under emergency provisions, they should have been paid at the minimum of the time scales. But owing to fixation of pay by the General Manager

P.T.O.

overpayments resulted to the extent of Rs 4044-14-0 as detailed in the schedule to this order. The Director said that the recovery of these overpayments made over a period of three years would at this stage cause hardship to the Staff and that some of the staff who drew excess pay were no longer in service and therefore suggested that the recovery of the overpayments made might be waived. The Director also requested that in the case of the Staff whose appointments have been regularised with effect from 14.6.46, the continuous service rendered by them before 14.6.46, the date of the amalgamation of the filatures, might be declared to be eligible for increments in order to avoid hardship to the Staff by recovery of overpayments made to them about five years ago.

para 2 p 2 Ref.

B on p 12 ref.

2. H.E., the Governor of Madras accepts the proposals and directs that the recovery of Rs 4044-14-0 (Rupees four thousand and forty-four and annas fourteen only) being the overpayments to the Staff of the Govt. Silk Filatures, Kollegal, whose appointments could not be regularised and who are now in service or left service be waived and that the service rendered upto 13.6.1946 by the Staff whose appointments have been regularised be taken into account in fixing their pay.

Re 18.4.47 — 1848

1947

To the Dte
" A.G. thro' rm dept
2.5.47
S.F.
15/5/47

Schedule

HE Pp 3-5 ep

1947

Development (MI) Department.

Sub: Establishment - Industries - Government Silk Filatures, Kollegal - Overpayments - Write off.

Ref: From the D.I & C. No.178-E1/49 dated 18-4-50.
Issued as Memo No.35698 MI/50-1 dated 1-6-50.
From the D. I & C. No.178 E1/49 dated 24-10-50

To A.S.

The c.f. may be perused.

2. The temporary staff employed in the Government Silk Filatures and Kollegal Silk Filatures had been declared to be posts outside the scope of service rules. The two filatures were amalgamated and a consolidated staff for the filatures was sanctioned in G.O.No.2310 Dev. dated 14-6-46. It was subsequently decided that the staff should not be kept outside the scope of service rules but should be governed by statutory rules. Accordingly Ad hoc rules for the posts were issued in G.O.No.5919 Dev. dated 1-12-48 after a lapse of 2½ years and the rules were given retrospective effect from 14-6-46 the date on which the posts were sanctioned. The Director instructed the Sericultural Expert on 14-2-49 to pay the staff minimum of their scale pending their regularisation. Meanwhile for purposes of fixing the pay of the staff in accordance with the revised scale of pay introduced in 1947 increments had been allowed to the staff for the period of service rendered in the filatures before and after amalgamation of the filatures. A number of members of staff who could not be regularised now has to be considered as acting under emergency provisions and as such they are eligible only for the minimum of the scale. Thus overpayments to these staff have resulted. The details of the overpayments made to the extent of Rs.4044-14-0 are given in the statement at pp.3-5 c.f. The Director says that the recovery of these overpayments made over a period of 3 years would at this stage cause hardship to the staff and that some of the staff who drew excess pay are no longer in service and therefore suggests that the recovery of the overpayments made may be waived. The Director also requests that in the case of the staff whose appointments have been regularised with

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Acc

with effect from 14-6-46, the continuous service rendered by them before 14-6-46 the date of amalgamation of filatures may be declared eligible for increments etc. in order to avoid hardships to the staff by recovery of overpayments made to them about 5 years ago. It is seen from the subsequent report of the D. I & C. at p.9 c.f. that though the Director issued clear instructions to the Sericultural Expert to pay all the staff only the minimum of scale, overpayments were made for the month of February 1949 to the extent of Rs.182-12-0. This could have been avoided. For orders whether the Directors proposals at A above may be accepted and the Director asked to instruct the Sericultural Expert to be careful in future. The Remarks of Finance may be invited.

S

Y

Ok
4.11.50

5/15

Dev.no.
35698 mI/50-5
6.11.50.

Finance (Accounts) Dept.

The Dev.Dept.note on pages 1-2 above may be perused.

The temporary staff employed in the Govt.Silk Filatures and Kollegal Silk Filatures had been declared to be posts outside the scope of service rules and their pay was governed by rule 9(b) of the General Rules for the Provl.and Subordinate Service Rules. On 14-6-46 the two Filatures were amalgamated and adhoc rules governing these temporary posts were also issued in December 1948 and the rules were ordered to be given effect to from 14-6-46, viz. the date of amalgamation. Pending regularisation of the services of the temporary staff in accordance with the adhoc rules, the staff continued to be under emergency provisions, their pay being governed by rule 9(b) of the General Rules. On receipt of the adhoc rules, the Director of Industries and Commerce instructed the Sericultural Expert to pay the Filatures staff only the minimum of the time scales, pending regularisation of the appointment of the staff with reference to the adhoc rules.

ADDITIONAL DEPUTY SECRETARY
8 NOV 1950
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FINANCE DEPARTMENT

Fi

p. 1

Meanwhile, when G.O.No.78 Fin.dated 6-2-47 introducing revised scales of pay from 1.1.47 was issued, the General Manager of the Govt.Silk Filatures fixed the pay of the staff taking into account their service under emergency provisions including their service rendered by them, while the posts remained outside the scope of the

(c)

service rules. As the members of the staff were only temporary under emergency provisions, they should have been paid at the minimum of the time scales until their appointments were regularised. But the wrong fixation of pay for the staff by the General Manager of the Govt. Silk Filatures has resulted in an overpayment of Rs. 4,044-14-0. Details of the overpayment are given on pp.3-5 c.f. The Director has observed that a number of members of the staff whose services could not be regularised now have to be considered as acting under emergency provisions and as such they are eligible only for the minimum of the time scale. The Director has, however, recommended that the overpayments may be waived as they were made over a period of 3 years and as recovery now would cause hardship to the staff and also as some of the staff who drew the excess pay are no longer in service. In the case of the staff whose appointments have since been regularised, it is suggested that the continuous service rendered by them before 14-6-46, viz., the date of amalgamation and the date of commencement of ad hoc rules, may be declared to be eligible for the increments already drawn.

2. Rule 2 (e) of the Revised Scales of Pay Rules, 1947, issued with G.O.No.78, Finance, dated 6-2-1947, clearly excludes service under emergency provisions of rule 9 or rule 31 of Part II of the Madras State ~~Provincial~~ and Subordinate Services Rules and service which has not been counted for increment in any scale of pay applicable to the post at the time of issue of the rules. The action of the General Manager in having fixed the pay taking into account service under emergency provisions was therefore irregular. Further, prior to the issue of G.O.No.78, Finance, dated 6-2-1947, the staff could have drawn only the

minimum of the scale of pay attached to their posts without any increment in respect of their past service in the posts and the General Manager should have known that as the staff whose services were not then regularised and who continued under the emergency provisions could not become eligible for increments even under G.O.No.78, Finance, dated 6-2-47 which specifically provides ~~further~~ for the exclusion of emergency services. The overpayment which amounted to Rs.4044-14-0 has thus resulted purely out of the ~~wrong~~ fixation of pay for which the staff could not be held ~~regularised~~ responsible. If there was any doubt, the General Manager should have obtained the orders of the Director, or of the Government in the matter.

3. In a similar case of wrong fixation of pay under G.O.No.78, Finance, dated 6-2-47 in the Local Fund Audit Department, arising from wrong interpretation of the orders for which the staff were not at fault, it has been ordered that the overpayments should be recovered from the staff concerned in monthly instalments. The amount involved in that case was Rs. 2,101-2-0. But in this case, the amount involved is Rs. 4,044-14-0. Of this, a sum of Rs. 1,552-2-0 relates to overpayments made to persons who are no longer in service and the balance of Rs. 2,492-12-0 to those who are now in service.. In respect of those who are now in service, the Director may be asked to order the recovery of the overpayments in suitable instalments. As regards the overpayments to those not now in service, the Director may be requested to consider the recovery of at least 50%, if not the whole, of the amount from those responsible for the overpayment, including the General Manager of the Filatures.

4. As regards the Director's suggestion that in the case of the staff whose services have since been regularised, their service prior to 14-6-46 in posts

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outside the scope of service rules may be permitted to be taken into account for fixation of pay, this Deptt. may advise that the request may be negatived as the ad hoc rules for the above services were ~~specifically deliberately~~ made applicable from 14-6-46 only.

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Thro' E II 15.11.50

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Fin No 92-212 Accts-I

16-11-1950

Notes from page 1 above are perused

2/ Dri deptt considers that the overpayments to the extent of Rs 4044-14-0 resulted purely out of the wrong fixation of pay for which the staff could not be held responsible and suggest that in respect of overpayments of Rs 2492-12-0 to those who are now in service the Dr may be asked to order the recovery of the overpayments in suitable instalments and that in respect of the overpayments of Rs 1552-2-0 to those who are no longer in service the Dri may be asked to consider the recovery of at least 50-/- if not the whole, of the amount from those officers responsible for the overpayment including the Gl. Manager of the Railways. That deptt also suggest that the Dri's proposal to grant, in the case of staff whose services have since been regularised, their services prior to 14-6-46 in posts outside the scope of service rules to be taken into account for fixation of pay may be negatived. Dr orders whether the ~~enquiry~~ view of Dri may be accepted. Subject to orders a draft order is submitted

i.e. as in para 4 above

To Comptt

we may agree with Finance

22/11/50

22.11.50

H.M. (2nd)

b

The views of the Finance Dept. may be put to the D.I & C. and he may be asked to offer his remarks before final orders are passed.

8/12

H.M.Ind.

To A.S.

Orders above. A draft memo to the Dte is submitted below for approval

12.12.50 13/12/50

14/12/50 & 9.12.50

SECRETARY TO GOVERNMENT 8 DEC 195 DEVELOPMENT DEPARTMENT

11/12

With reference to H.M.(Ind) orders the points ¶2-5 above raised by Finance Deptt were put to the Dte. The Director reports that till 14th June 1946 (ie) the date of amalgamation of G.S.F., and Kollegal Silk Filatures the posts in both the establishments were all outside the scope of the Service rules and that as such their incumbents could earn increments irrespective of their qualifications and that the incumbents were sanctioned increments accordingly up to 1-1-47 and allowed to draw pay at rates higher than the minima of their respective scales. He points out that the contention that the action of the General Manager, in having fixed the pay in these cases taking into account Service under emergency provisions was irregular is not correct because services rendered by the Staff up to 13-6-46 was in posts outside the scope of the Service rules and not under the emergency provisions. The Dte has further stated

¶¶ 1.5-16 Cf + ¶¶ 1 p 15 Cf

para 2 p 15 Cf..

that the A.G. to whom the initial pay statements in respect of the filature staff were sent by the General Managers with reference to G.O. 78 dtd 6.2.47 did not object to the rates fixed in their cases, and that increments after 1-1-47 were not granted as the Director instructed the General Manager that the question of granting increments which fell due subsequent to 1-1-47 should be deferred till ad hoc rules were issued. The Dtc therefore submits that no blame whatever could be attached to the General Manager and that it would not be fair to hold the General Manager responsible for the overpayments still less to recover any percentage of the overpayments from him.

para 5 p 16 Cf

With reference to suggestion that in the case of the staff whose services have since been regularised, their services prior to 14.6.46 in posts outside the scope of Service rules should not be taken into account, Dtc has stated by way of analogy that Sri P.H.N.B. Sarma, who had served as Supdt., Radio Engineering Section on a contract basis first and was later on appointed to the post on probation was allowed increment which had accrued to him in his Contract appointment and that since service in posts outside the scope of Service rules stands on the same footing as service on a contract basis, the service of the filature staff should likewise be taken into account for purpose of fixation of pay.

para 4 p 16 Cf. fn.

The views of the Dtc seem to be sound for, orders this Dept. may accept the

8

Director's views. ~~The remarks of Finance may be invited before recirculation~~ and approve the action of the Gl. Manager in fixing the pay of the staff (after taking into account the in pay service rendered & upto 1.6.46 the remarks of Finance ought to be invited

Dev. no 35698 MI/50.7
8.2.51.

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Finance (Accts) Dept.

ADDITIONAL DEPUTY SECRETARY
9 FEB 1951
(054)
FINANCE DEPARTMENT

(Previous Finance notes on pp 2-5 above.)

With reference to orders in circulation at page 6 above, the views of this Department were put to the D. I & C and he was asked to offer his remarks.

He has reported that till 14th June 1946 i.e. the date of amalgamation of Government Silk Filatures and Kollegal Silk Filatures the posts in both the establishments were all outside the scope of the Service rules and ~~not~~ governed the emergency provisions, and as such their incumbents could earn increments irrespective of their qualifications and that the incumbents were sanctioned increments accordingly up to 1-1-47 and allowed to draw pay at rates higher than the minima of their respective scales. He has further stated that the A.G. to whom the initial pay statements in respect of filature staff were sent by the General Manager with reference to G.O. No 8 Fin(D) 6.2.47 did not object to the rates fixed in their cases and that the increments after 1.1.47 were not granted, as the Director instructed the General Manager that the question of granting increment which fell due subsequent to 1-1-47 should

para 1, p 15 ante

para 2, p 15 ante

Enclosure

(C)

be deferred till ad hoc rules were issued.

In the circumstances, the D.I & C. has reported that no blame could be attached to the General Manager and that it would not be fair to hold the General Manager responsible for the overpayments, still less to recover any percentage of the overpayments from him.

As regards the suggestion that in the case of staff whose services have since been regularised, their services prior to 16-4-46 in posts outside the scope of service rules should not be taken into account, the D.I & C. has stated by way of analogy that Sri P.H.N.B. Sarma who served as a Superintendent, Radio Engineering Section, on a contract basis first and was later on appointed to the post on probation, was allowed increment which had accrued to him in his contract appointment and that since service in posts outside the service rules stands on the same footing as service on a contract basis, the service of filature staff should likewise be taken into account for purposes of fixation of pay.

In the circumstances, Finance may agree with the views of the D.I & C.

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C.S.R.

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Fin no 10547 Accts-I

23-2-51

20 FEB 1951

Dev Deptt

H.M.(Ind)'s minutes at page 6 above. This Deptt's notes at pages 6-7 and Finance Deptt's notes at pages 8-9 above may be perused

P.T.O.

2 Finance agree with the Dlte that in regard to over payments to Staff in the G.S.F. Kollegal whose services could not be regularised now, it would not be fair to hold the General Manager responsible for the over-payments & still less to recover any percentage of the over payments from him. Out of the total over payments of Rs 4,044-14-0 a sum of Rs 1552-2-0 relates to over payments to persons who are no longer in Service, and the balance of Rs 2492-12-0 to those who are now in Service. The over payments to those who have left Service have necessarily to be written off. In view of A above it appears that the recovery of over payments to those in Service should also be waived. Further remarks of Finance on this point may be invited.

B.

3 Finance agree with the Dlte that in the case of Staff whose services have since been regularised their services prior to 16.4.46. in posts outside the scope of Service rules should be taken into account for fixation of pay since service in posts outside the Service rules stands on the same footing as service on a Contract basis. The action of the General Manager, in fixing the pay of the Staff after taking into account their service rendered up to 13.6.46 may therefore be approved The remarks of Finance on this point also may be invited.

K

Dev.no 35698 M.I/50.8.
4.3.51.

ADDITIONAL DEPUTY SECRETARY
7 MAR 1951
17910
FINANCE DEPARTMENT

3/3/57. 3351

C 3/57

Finance (Accts) Deptt.

(Previous Finance notes on pp 8-9 above)

Please see the further notes of Dlnt above.

The proposal at K above may be agreed to in Finance.

16.3.51

As regards the proposal at B. above, Finance

Finance may agree to the waiver of the amount outstanding from these persons also as a special case, as in the case of those who have left the service. Dy (Ji) may see.

may suggest that at least a token recovery may be made from these persons in service. As these persons are actually in service now and as the amount overpaid has been utilised by them, there cannot be a hardship in making at least a token recovery from them.

As regards the persons who are not in service now, there is no other option but to write off the amount over

With the above remarks the file may be returned to

Dy

Fin no 17910 Accts -I

31347

16-3-51
ASSISTANT SECRETARY TO GOVERNMENT
10 MAR 1951
DEVELOPMENT DEPARTMENT

Summarising Note.

The file deals with the proposal of the D.I & C. (1) to waive the recovery of overpayments made to some of the staff of the Government Silk filatures, Kollegal whose services could not be regularised and (ii) to allow the staff whose services have been regularised to count their previous service for the purpose of increment.

2. The temporary staff employed in the Government Silk Filatures and Kollegal Silk Filatures had been declared to be posts outside the scope of service rules. The two filatures were amalgamated and a x consolidated staff for the filatures was sanctioned in G.O.No.2310 Dev. dated 14-6-46. It was subsequently decided that the staff should not be kept outside the scope of service rules but should be goverend by statutory rules. Accordingly Ad hoc rules for the posts were issued in G.O.No.5919 Dev. dated 1-12-48 after a lapse of 2½ years and the rules were given retrospective effect from 14-6-46 the date on which the posts were sanctioned. The Director instructed the Sericultural Expert on 14-2-49 to pay the staff minimum of their scale pending their regularisation. Meanwhile for purposes of fixing the pay of the staff in accordance with the revised scale of pay introduced in 1947 increments had been allowed to the staff for the period of service rendered in the

the filatures before and after amalgamation of the filatures. A number of members of staff who could not be regularised now under emergency provisions such should have been paid has to be considered as acting under emergency provisions and of the minimum of the time scale, until her appointment was regularised as such they are eligible only for the minimum of the scale. This But owing to regularisation of long over-payments to these staff have resulted. The details of the overpayments made to the extent of Rs.4044-14-0 are given in the statement at pp.3-5 c.f. The Director said that the recovery of these overpayments made over a period of 3 years would at this stage cause hardship to the staff and that some of the staff who drew excess pay were no longer in service and therefore suggested that the recovery of the overpayments made might be waived. The Director also requested that in the case of the staff whose appointments have been regularised with effect from 14-6-46, the continuous service rendered by them before 14-6-46 the date of amalgamation of Filatures might be declared to be eligible for increments in order to avoid hardship to the staff by recovery of overpayments made to them about 5 years ago.

3. At the instance of Finance Department the question was examined as to whether the action of the General Manager of the Filatures in fixing (with ref to the revised scales of pay sanctioned in G.O.No.78 Finance dated 6-2-47,) the pay of the staff of the Filatures after taking into account their previous service in the same posts was examined in order. The Director of Industries and Commerce who was consulted reports that till 14th June 1946 (i.e.) the date amalgamation of G.S.F and Kollegal Silk Filatures the posts in both the establishments were also outside the scope of the service rules and that as such their incumbents could earn increments irrespective of their qualifications and that the incumbents were sanctioned increments accordingly upto 1-1-47 and allowed to draw pay at rates higher than the minima of their respective scales. He points out that the action of the General Manager in having fixed the pay in these cases taking into account service rendered in posts outside the scope of service rules is in order. He has further stated that the Accountant General to whom the initial pay statements in respect of the Filature staff were sent by the General Manager with reference to

to G.O.No.78 Fin. dated 6-2-47 did not object to the rates fixed in their cases and that increments after 1-1-1947 were not granted on his instructions.

With reference to the question whether in the case of the staff whose services have since been regularised their services prior to 14-6-46 in posts outside the scope of Service Rules should of not be taken into account, the D.I & C. has stated by way of analogy that Sri P.H.N.B. Sarma, who had served as Superintendent, Radio Engineering section on a contract basis first and was later on appointed to the post on probation was allowed increment which had accrued to him in his contract appointment and that since service in posts outside the scope of service rules stands on the same footing as service on a contract basis, the service of filature staff should likewise be taken into account for purposes of fixation of pay.

This Department accepts the proposals of the D. I & C. (i) to waive the recovery of the amounts overdrawn by the staff of the G.S.F., Kollegal whose appointments could not be regularised and who are now in service or left service

and (ii) to approve the action of the General Manager in fixing the pay of the staff whose appointments have been regularised, after taking into account their service rendered upto 13-6-46.

Finance Department also has accepted the proposals and has asked that the case be circulated to H.M (Fin.). The case may be circulated to H.M.(Ind.) and H.M.(Fin)

24.3.51 26351

Reference is invited to minutes of H.M. (Fin.) for disposal at 6 above.

SECRETARY TO GOVERNMENT
12 APL 1951
DEVELOPMENT DEPARTMENT

DEPUTY SECRETARY TO GOVT.
12 APR 1951
DEVELOPMENT DEPT.

14

ToAs.

Orders in Circulation at p. 13 above.

A draft order is submitted below for approval.

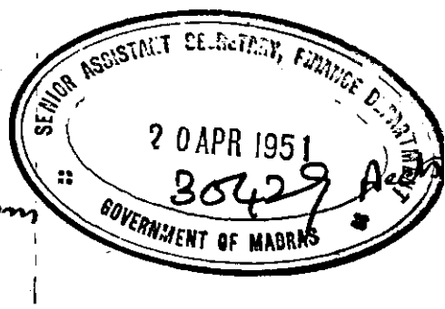
17.6.57 (1848)

1967

Dev. ms. 35698 M1/50.9

19.4.57

Finance (Accts)



[Previous Finance notes on pp 10-11 alone]

The summarising note of Dept from p. 11 alone, and the orders in circulation ~~on p. 13 above~~, and the draft order below may be perused.

23-4-51

24-4-51

Dev(M1) Dept 46161 M1 26.6.57

The draft order below may now issue

26.4.57 (2748)

2748

Fin no 30429 Accts

24-4-51.